

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2571 - SB 2552

March 30, 2016

SUMMARY OF ORIGINAL BILL: Makes various technical changes to the *Tennessee Prescription Safety Act of 2012*, thereby establishing the *Prescription Safety Act of 2016*. Deletes the sunset date of July 1, 2016 of the *Tennessee Prescription Safety Act of 2012*, making any changes made by such Act to the *Controlled Substance Monitoring Act of 2002* permanent, subject to any subsequent changes. Removes language which designates the Executive Director of the Board of Pharmacy as the database manager of the Controlled Substance Database Committee. Requires prescribers to enter information into the Controlled Substance Monitoring Database (CSMD) at the end of business each day or no later than the close of business on the following day. Currently, prescribers are required to enter such information at least once every seven days. Authorizes federal attorneys access to the CSMD. Establishes that an agent of the offices of United States attorneys may be charged with a Class A misdemeanor for unauthorized use or disclosure of information attained from the CSMD.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENTS (015214, 013709): Amendment 013709 deletes and rewrites the bill such that substantives changes are: (1) removes the director of the Division of Health Related Boards, the executive director of the Board of Medical Examiners, and the executive director of the Board of Pharmacy from the Controlled Substance Database Committee; (2) expands exemptions to reporting requirements for dispenser's and dispenser's agents relative to the CSMD; and (3) establishes an operations committee with the authority to provide recommendations for and grant approval of rules, agreements and policies applicable to the CSMD.

Amendment 015214 adds language to the bill as amended by amendment 013709, thereby requiring that any rules promulgated to implement the provisions of this legislation be provided by the Secretary of State, upon approval by the Attorney General and Reporter, to the chairs of the Health Committee of the House of Representatives and the Health and Welfare Committee of the Senate at the same time the text of the rules are made available to the Government Operations Committees of the House of Representatives and Senate, respectively.

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FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

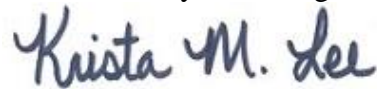
Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- This legislation makes mostly non-substantive changes to current law governing access and use of the CSMD.
- Members of the Controlled Substance Database Committee are entitled to per diem and travel reimbursement with regards to performance of official duties of the Committee.
- Removing the various directors from the Committee will result in no significant decrease in expenditures as these members do not currently receive per diem or travel reimbursement.
- Members on the operations committee established by this proposed legislation will not receive per diem or travel reimbursement.
- Pursuant to Tenn. Code Ann. § 4-29-121, all health related board are required to be self-supporting over any two year period. The Board of Pharmacy had a deficit of \$66,136 in FY13-14, \$284,085 in FY14-15, and a cumulative reserve balance of \$1,444,168 on June 30, 2015.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

/jdb